

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DENNIS MONTGOMERY, et al.,

Plaintiffs,

vs.

ETREPPID TECHNOLOGIES, LLC., et al.,

Defendants.

3:06-CV-0056-PMP (VPC)

ORDER

eTreppid Technologies, L.L.C., and Warren Trepp (“eTreppid”) moved to compel production of documents and for the judgment debtor examination before this court of plaintiff, Dennis Montgomery (“Mr. Montgomery”), individually and in his capacity as trustee of the Montgomery Family Trust (#s 1004 & 1005). On April 20, 2009, this court held a sealed hearing to consider matters relating to post-judgment proceedings (#1019). The parties filed no additional papers concerning eTreppid’s motion to compel; therefore, the court directed eTreppid to advise the court whether it intended to proceed with the motion or to withdraw it (#1027). eTreppid gave notice that it intended to proceed with the motion to compel (#1030), and Mr. Montgomery and the United States were given leave to respond to the motion within ten days, or by May 20, 2009. Neither the United States nor Mr. Montgomery filed a response. On May 22, 2009, eTreppid filed a notification that since no responses had been filed, it be given the relief sought in the motion to compel (#1053). Local Rule 7-2(d) states, “The failure of an opposing party to file points and authorities in response to any motion shall constitute consent to granting the motion.”

The court has reviewed the motion to compel, no opposition having been filed, and good cause appearing, eTreppid’s motion compel (#1004) is **GRANTED** as follows:

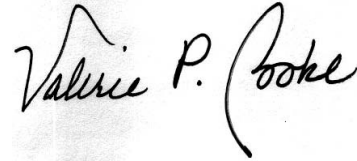
1. Mr. Montgomery and/or the Montgomery Family Trust shall produce the following documents:
 - All cancelled checks written by Mr. Montgomery; between January 1, 2006 and the present.

- 1 • All financial records for any bank, credit union, brokerage, or other depository
- 2 account of any kind whatsoever, whether domestic or foreign.
- 3 • Any evidence of life insurance held by Mr. Montgomery.
- 4 • Copies of all current vehicle registrations and proofs of insurance.
- 5 • All promissory notes or other documents evidencing any loan, whether
- 6 unsecured, secured by real property, or secured by personal property, including
- 7 all mortgages and auto loans, obtained by Mr. Montgomery between January
- 8 2006 and the present.
- 9 • Any application for a loan filled out by Montgomery between January 2006 and
- 10 the present.
- 11 • Pay stubs from any employer, including but not limited to, Blxware, from
- 12 January 2006 to April 22, 2009.
- 13 • All documents related to property purchased or sold, personal or real, from
- 14 January 2002 to April 22, 2009.
- 15 • All documents related to gambling at any casino, including but not limited to
- 16 credit applications, marker play, chips purchased, chips redeemed, payments
- 17 from casinos, obligations to casinos.
- 18 • Any documents related to cash transactions, including, but not limited to, ATM
- 19 machines, checks cashed, cashier's checks purchased.
- 20 • Any payments to family or friends or for the benefit of any family or friends.
- 21 • Wire transfers both received by, and sent by, Mr. Montgomery, and any and all
- 22 documents related to the wire transfers.
- 23 • Documents related to any payments for services rendered.
- 24 • Payments of any kind to law firms.
- 25 • Promissory notes not only for real property or vehicles but for any loans, either
- 26 as maker or payee.
- 27 • Source code and any [and] all intellectual property of Blxware and/or
- Montgomery, as well as running and operative object code, all system
- documentation, and functional specifications.
2. Mr. Montgomery shall produce the documents no later than **Wednesday, June 3, 2009**.
3. Counsel for the parties shall contact Ms. Lisa Mann, deputy court clerk, at 775-686-5653,
- on or before **Wednesday, June 3, 2009** to schedule a judgment debtor's examination
- before this court.

- 1 eTreppid shall be awarded its attorney's fees and costs incurred for bringing the motion
2 to compel and shall file a memorandum of attorney's fees and costs pursuant to LR 54-16
3 no later than **Wednesday, June 3, 2009**. Mr. Montgomery may file a response to that
4 statement no later than **Tuesday, June 16, 2009**, and eTreppid shall have leave to reply
5 no later than **Tuesday, June 23, 2009**.

6 **IT IS SO ORDERED.**

7 **Dated: May 26, 2009.**

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UNITED STATES MAGISTRATE JUDGE